

Exhibit 15

From: [Gail Andler](#)
To: [Derek Loeser](#); [Stein, Deborah L.](#); [Lesley Weaver](#); [Falconer, Russ](#); [David Ko](#); [Chris Springer](#); [Matthew Montgomery](#); [Matt Melamed](#); [Benjamin Gould](#); [Anne Davis](#); [Cari Laufenberg](#); [Kutscher Clark, Martie](#)
Cc: [Matthew Levington](#); [Daniel B. Garrie](#); [Snyder, Orin](#); [Sullivan, Luke M.](#); [Josh Samra](#)
Subject: Re: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC
Date: Monday, June 14, 2021 5:21:52 PM
Importance: High

[External Email]

Dear Counsel,

Here is the proposed procedure for identifying disputes for our sessions and for bringing those which were not resolved to the Court. Both Daniel Garrie and I endorse this approach:

1. A discovery dispute is defined as a refusal to fully produce requested discovery or an inability to agree on the parameters of the discovery sought or ordered. For the purposes of this protocol, discovery disputes also refer to discovery scheduling issues.
2. One week prior to each mediation session, each party may request a meet and confer on up to 3 discovery disputes by submitting them to be on the agenda for the next session. The party raising the dispute shall briefly state the position in no more than one paragraph for each topic. The other party shall respond to each dispute by the day before each mediation session, by briefly stating its position or alternatively requesting additional time to do so.
3. At the mediation session, the mediators will discuss with each party as many discovery disputes from the parties' lists as they are able to cover. The mediators will hear each parties' position and work with the parties to resolve each dispute. If the mediators determine that further written submissions on any discovery dispute would be helpful, the mediators will inform the parties and the parties will detail those disputes in their submissions for the next session.
4. The mediators will inform the parties if they determine that a discovery dispute has been fully discussed in good faith but is unlikely to be resolved through further mediation efforts. The mediators have the discretion to declare an impasse if a party is not participating in good faith on a particular issue. At that point, the parties will work with the mediators to agree to the schedule and form in which the dispute will be presented to the Court. The parties shall not raise discovery disputes to the Court other than through this process.
5. The parties shall keep confidential the substance of discovery disputes discussed in mediation (including whether a party has requested additional time to respond to a dispute), other than to report that a dispute has or has not been mediated and whether it has or has not been resolved. The parties shall not disclose if the mediators have provided a proposed resolution to the dispute, regardless of whether such a proposal has or has not been accepted—unless otherwise agreed to by the parties.
6. The parties authorize the Mediators to communicate with Judge Corley as necessary.

From: Gail Andler <judgeandler@icloud.com>

Date: Friday, June 11, 2021 at 5:19 PM

To: "Snyder, Orin" <OSnyder@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, "Sullivan, Luke M." <LSullivan@gibsondunn.com>, Lesley Weaver <lweaver@bfalaw.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, David Ko <dko@kellerrohrback.com>, Josh Samra <jsamra@bfalaw.com>, Chris Springer <cspringer@kellerrohrback.com>, Matthew Montgomery <mmontgomery@bfalaw.com>, Matt Melamed <mmelamed@bfalaw.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>, Benjamin Gould <bgould@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>

Cc: Matthew Levington <MLEvington@jamsadr.com>, Daniel Garrie <Daniel@lawandforensics.com>

Subject: Re: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Counsel,

Thank you for your submissions. We are looking forward to a productive session Monday. Please be sure you have provided responses to one another on the TAR and ADI protocols before we meet on Monday. I want to encourage each side to limit your response to what you are willing, as a compromise, to provide or request. Also please let one another know which issues, if any, you believe to be at impasse, and provide your response to proposed case schedules. Please copy Daniel Garrie and me with your responses.

Plaintiffs have authorized me to share the following with you. To the extent you have not provided them with a response yet on these issues, it will be helpful if you can do so before we meet on Monday. Also Facebook should let Plaintiffs know if you believe their response to any of your issues is outstanding so they can respond before our session Monday:

Judge Andler and Mr. Garrie,

As we discussed, these are the outstanding-items on which we are waiting on a response from Facebook. We would appreciate hearing back from Facebook regarding these issues prior to Monday's mediation, as well as the issues listed below where Plaintiffs believe the parties are at an impasse:

Pending Mediation Items

-

1. FB's response to Plaintiffs' proposed case schedule (provided via email on 5/13);
2. FB's response to Plaintiffs' proposed TAR protocol (provided via email on 5/21);

3. FB's proposed ADI protocol (referenced in an email from Ms. Kutscher-Clark on 6/8); and
4. FB's response to the proposed mediators suggested by Plaintiffs on 5/19 (Kenneth Feinberg, Judge Jay Gandhi, Judge Edward Infante) in light of upcoming CMS due to Judge Chhabria on 6/17.

Impasses

-

1. Supplemental production of Named Plaintiffs' data in compliance with Discovery Order No. 9, Dkt. No. 557.
2. Supplemental production and responses to comply with the definition of "Business Partners" provided in Order re: Business Partners Discovery Dispute, Dkt. No. 608.
3. Production of improperly withheld family documents, in violation of the Stipulation and Order Governing the Production of Electronically Stored Information and Hard Copy Documents, Dkt. No. 416, Appx. A at E.

Plaintiffs authorize you to share this email with Facebook.

Many thanks,
Cari Laufenberg

*Please excuse any typos from voice texting on my cell phone. I hope you have a great weekend.
Sincerely,
Daniel Garrie and Judge Gail Andler (Ret.)*

On Jun 11, 2021, at 10:12 AM, Gail Andler <JudgeAndler@icloud.com> wrote:

Dear Counsel,
We are extending the time for your pre-mediation submissions from noon today until 4:00 p.m. pacific in light of our schedules, and yours.
Sincerely,
Judge Gail Andler (ret.)
Daniel Garrie

From: Gail Andler <JudgeAndler@iCloud.com>

Date: Tuesday, June 8, 2021 at 8:13 PM

To: "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, "Snyder, Orin"

<OSnyder@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>, "Sullivan, Luke M." <LSullivan@gibsondunn.com>, David Ko <dko@kellerrohrback.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Josh Samra <jsamra@bfalaw.com>, Chris Springer <cspringer@kellerrohrback.com>, Benjamin Gould <bgould@kellerrohrback.com>, Matt Melamed <mmelamed@bfalaw.com>, Matthew Montgomery <mmontgomery@bfalaw.com>, Matthew Levington <MLevington@jamsadr.com>

Cc: Daniel Garrie <Daniel@lawandforensics.com>, Gail Andler <JudgeAndler@iCloud.com>

Subject: Re: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Counsel,

Mr. Garrie and I are looking forward to moving beyond discussion of ADI and TAR in order to make progress on some of your other discovery disputes. It will be most helpful if Plaintiffs would provide by end of Thursday a list of three other disputes they would like to see on the agenda for an upcoming session, copied to all. We would appreciate it if you could provide the information in a form similar to a laundry list without stating your position or discussing the history of the dispute. It will also be helpful for Facebook to quantify the burden imposed by the amount of data sought by the requests.

Sincerely,
Judge Gail Andler (Ret.)
Daniel Garrie

From: "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>

Date: Tuesday, June 8, 2021 at 6:32 PM

To: Gail Andler <judgeandler@icloud.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>, "Sullivan, Luke M." <LSullivan@gibsondunn.com>, David Ko <dko@kellerrohrback.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Josh Samra <jsamra@bfalaw.com>, Chris Springer <cspringer@kellerrohrback.com>, Benjamin Gould <bgould@kellerrohrback.com>, Matt Melamed <mmelamed@bfalaw.com>, Matthew Montgomery <mmontgomery@bfalaw.com>, Matthew Levington <MLevington@jamsadr.com>

Cc: Daniel Garrie <Daniel@lawandforensics.com>

Subject: Re: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Judge Andler, Mr. Garrie, and Counsel:

As Judge Andler suggested, below we identify three topics Facebook would like to discuss at upcoming mediation sessions:

1. **Plaintiffs' failure to identify the "sensitive information" underlying their claims.** Facebook served Interrogatory 3 more than one year ago, which asks Plaintiffs to identify the profile information underlying their allegations that they believe to be sensitive and the basis of their claims. Judge Corley ordered Plaintiffs to provide a fulsome response in December 2020. Plaintiffs have not complied with this instruction.
2. **Plaintiffs' refusal to provide a position on whether they will produce evidence of alleged emotional distress.** RFP 14 seeks materials regarding Plaintiffs' allegations of emotional distress. Plaintiffs initially objected to this RFP. Plaintiffs later indicated they may revise or withdraw their objection but, after nearly a year, have refused to commit to a position.
3. **Plaintiffs' requests for overbroad data sets.** The parties' negotiations with respect to ADI have highlighted that Plaintiffs may not fully appreciate the volume of data that some of their requests seek. Plaintiffs have three outstanding requests for data related to API calls that seek an inordinate volume of data regarding the interactions of third party application developers with the Facebook platform. The parties should work with the mediators to define a reasonable scope for Facebook's responses to these requests that includes only information relevant to Plaintiffs' live claims and that is proportionate to the needs of the case—both in terms of burden to Facebook and also to Plaintiffs' ability to receive, ingest, and store large amounts of data.

We look forward to our session next week.

Best,
Martie

Martie Kutscher Clark

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From: Gail Andler <judgeandler@icloud.com>

Date: Friday, June 4, 2021 at 7:38 AM

To: "Snyder, Orin" <OSnyder@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, "Kutscher

Clark, Martie" <MKutscherClark@gibsondunn.com>, Anne Davis <adavis@bfalaw.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>, "Sullivan, Luke M." <LSullivan@gibsondunn.com>, David Ko <dko@kellerrohrback.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Josh Samra <jsamra@bfalaw.com>, Chris Springer <cspringer@kellerrohrback.com>, Benjamin Gould <bgould@kellerrohrback.com>, Matt Melamed <mmelamed@bfalaw.com>, Matthew Montgomery <mmontgomery@bfalaw.com>, Matthew Levington <MLEvington@jamsadr.com>
Cc: "Daniel B. Garrie" <Daniel@lawandforensics.com>, Gail Andler <judgeandler@icloud.com>
Subject: Re: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

[External Email]

Dear Counsel,

There is a slight modification to our schedule on the 14th. We will start at **noon** instead of 11:30 in the hopes Daniel will be done testifying as a witness by then. Matt will send the link.

Thank you!

Judge Gail Andler (Ret.)

On Jun 3, 2021, at 6:13 PM, Gail Andler <JudgeAndler@icloud.com> wrote:

Dear Counsel,

Since our last joint mediation session, Daniel Garrie and I have met with and spoken to each side separately in an attempt to wrap up some of the early issues, such as the TAR Protocol and ADI, and in order to begin thinking about the next topics for our future sessions. Over tomorrow and the next few days it will be helpful if you would finalize your outstanding responses and share them with one another by Tuesday, along with identifying for one another two or three discovery disputes you would like to tee up for discussion at our next session. Our next mediation session with both sides is June 14 at 11:30 pacific. Please submit your pre-session briefs to us as confidential ex parte submission by noon on June 11, addressing the status of the finalization of the ADI and TAR protocols and providing us with two or three topics you would like us to begin unpacking, along with some background for context.

Thank you all for your hard work and efforts to move the ball forward.

Sincerely,

Judge Gail Andler (ret.)

Daniel Garrie

From: "Sullivan, Luke M." <LSullivan@gibsondunn.com>

Date: Friday, May 28, 2021 at 1:16 PM

To: Chris Springer <cspringer@KellerRohrback.com>

Cc: Matt Melamed <mmelamed@bfalaw.com>, Gail Andler <judgeandler@icloud.com>, Daniel Garrie <Daniel@lawandforensics.com>, Lesley Weaver <lweaver@bfalaw.com>, Derek Loeser <dloeser@KellerRohrback.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Benjamin Gould <bgould@KellerRohrback.com>, Cari Laufenberg <claufenberg@KellerRohrback.com>, "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, David Ko <dko@KellerRohrback.com>, Anne Davis <adavis@bfalaw.com>, Matthew Montgomery <mmontgomery@bfalaw.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, Josh Samra <jsamra@bfalaw.com>, Matthew Levington <mlevington@jamsadr.com>, "Snyder, Orin" <OSnyder@gibsondunn.com>, "Mumm, Laura C." <LMumm@gibsondunn.com>

Subject: RE: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Chris,

Thank you for providing a second revised proposal. Our vendor has run it and generated the following total hit counts:

- **Document Hits:** 1,114,471
- **Document Hits + Families:** 2,754,470

The proposal is still above the stipulated hit-count range of 2.59 to 2.69 million. Accordingly, per the stipulation, we look forward to receiving Plaintiffs' third and final revised proposal.

Best,
Luke

Luke M. Sullivan

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From: Chris Springer <cspringer@KellerRohrback.com>

Sent: Wednesday, May 26, 2021 5:37 PM

To: Sullivan, Luke M. <LSullivan@gibsondunn.com>

Cc: Matt Melamed <mmelamed@bfalaw.com>; Gail Andler <JudgeAndler@iCloud.com>; Daniel B. Garrie <Daniel@lawandforensics.com>; Lesley Weaver <lweaver@bfalaw.com>; Derek Loeser <dloeser@KellerRohrback.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Benjamin Gould <bgould@KellerRohrback.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; David Ko <dko@KellerRohrback.com>; Anne

Davis <adavis@bfalaw.com>; Matthew Montgomery <mmontgomery@bfalaw.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Josh Samra <jsamra@bfalaw.com>; Matthew Levington <mlevington@jamsadr.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: RE: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

[External Email]

Luke,

Thank you for your message and confirmation regarding the April 19 hit counts.

Regarding the changes noted below, your understanding is correct, with one point of clarification: Plaintiffs withdrew PL-19 in their first proposal.

Best regards,
Chris

From: Sullivan, Luke M. <LSullivan@gibsondunn.com>

Sent: Wednesday, May 26, 2021 10:22 AM

To: Chris Springer <cspringer@KellerRohrback.com>

Cc: Matt Melamed <mmelamed@bfalaw.com>; Gail Andler <JudgeAndler@iCloud.com>; Daniel B. Garrie <Daniel@lawandforensics.com>; Lesley Weaver <lweaver@bfalaw.com>; Derek Loeser <dloeser@KellerRohrback.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Benjamin Gould <bgould@KellerRohrback.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; David Ko <dko@KellerRohrback.com>; Anne Davis <adavis@bfalaw.com>; Matthew Montgomery <mmontgomery@bfalaw.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Josh Samra <jsamra@bfalaw.com>; Matthew Levington <mlevington@jamsadr.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: RE: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Counsel:

Thank you for sending a second revised proposal. To ensure there are no miscommunications and that we are interpreting the spreadsheet correctly, we plan to generate the total hit counts by running Plaintiffs' first revised proposal with the changes noted below. If Plaintiffs believe different action should be taken, please let us know. Otherwise, we will send Plaintiffs the total document hits and document hits plus families for Plaintiffs' second revised proposal as soon as they are ready.

ID	Change
FB-D	Run Facebook-proposed string against Facebook-proposed custodians

	<p>New String</p> <p>"privacy xfn" w/5 ("week*" w/5 (summit OR conference OR meet* OR call* OR week* OR note* OR agenda))</p> <p>New Custodian List</p> <p>Edward Palmieri</p> <p>Matt Scutari</p> <p>Rob Sherman</p> <p>Katherine Tomko</p> <p>Ly Tran</p> <p>Jack Yang</p> <p>Ana Liu</p> <p>Erin Egan</p> <p>Aldo King</p> <p>Anne-Marie Lentini</p> <p>Daniel Li</p> <p>Michael Richter</p> <p>Shirine Sajjadi</p> <p>Chad Greene</p>
Pl-7	Remove string
Pl-13	Remove string
Pl-16	Remove string
Pl-19	Remove string
Pl-23	Remove string

Finally, I've confirmed that the total hit counts for Plaintiffs' first revised proposal have not changed from what we sent on April 19—for the supplemental hit report provided, none of the strings or custodian groupings changed from what Facebook ran to generate the total hit counts transmitted on April 19.

Best,
Luke

Luke M. Sullivan

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From: Chris Springer <cspringer@KellerRohrback.com>
Sent: Monday, May 24, 2021 10:15 PM

To: Sullivan, Luke M. <LSullivan@gibsondunn.com>

Cc: Matt Melamed <mmelamed@bfalaw.com>; Gail Andler <JudgeAndler@iCloud.com>; Daniel B. Garrie <Daniel@lawandforensics.com>; Lesley Weaver <lweaver@bfalaw.com>; Derek Loeser <dloeser@KellerRohrback.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Benjamin Gould <bgould@KellerRohrback.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; David Ko <dko@KellerRohrback.com>; Anne Davis <adavis@bfalaw.com>; Matthew Montgomery <mmontgomery@bfalaw.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Josh Samra <jsamra@bfalaw.com>; Matthew Levington <mlevington@jamsadr.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: RE: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

[External Email]
Counsel,

Thank you for the spreadsheets you provided last week regarding Plaintiffs' April 9 proposal, which we are in the process of reviewing. Can you please confirm that the deduplicated hit counts have not changed from what you reported on April 19, specifically as follows?

- **Document Hits:** 1,334,694
- **Document Hits + Families:** 3,109,342

Attached is Plaintiffs second proposal, as indicated in column D of the attached. Please let us know if you have any questions.

Best regards,
Chris

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Chris Springer
Keller Rohrback L.L.P.
Phone: (805) 456-1496
Fax: (805) 456-1497
Email: cspringer@kellerrohrback.com

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From: Sullivan, Luke M. <LSullivan@gibsondunn.com>

Sent: Tuesday, May 18, 2021 7:16 PM

To: Chris Springer <cspringer@KellerRohrback.com>

Cc: Matt Melamed <mmelamed@bfalaw.com>; Gail Andler <JudgeAndler@iCloud.com>; Daniel B. Garrie <Daniel@lawandforensics.com>; Lesley Weaver <lweaver@bfalaw.com>; Derek Loeser <dloeser@KellerRohrback.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Benjamin Gould <bgould@KellerRohrback.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; David Ko <dko@KellerRohrback.com>; Anne Davis <adavis@bfalaw.com>; Matthew Montgomery <mmontgomery@bfalaw.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Josh Samra <jsamra@bfalaw.com>; Matthew Levington <mlevington@jamsadr.com>; Snyder, Orin <OSnyder@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>

Subject: RE: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Judge Andler, Mr. Garrie, and Counsel:

Pursuant to our discussion during yesterday's session, please find attached two documents. The first, titled "Hit Report - Strings Run Against Docs Hitting On April 9 Proposal," is a hit report with the "strings / terms run, hits, hits with family, and unique hits run across the universe of documents that hit on Plaintiffs' April 9 proposed search strings and custodians." The second, titled "Plaintiffs First Revised Proposal - Strings Run," lists the strings/custodian groupings run for Plaintiffs' April 9 proposal.

We look forward to receiving Plaintiffs' second revised search string proposal for the custodians in Groups 5 to 8 on Monday.

Best,
Luke

Luke M. Sullivan

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From: Chris Springer <cspringer@KellerRohrback.com>

Sent: Monday, May 10, 2021 4:45 PM

To: Matt Melamed <mmelamed@bfalaw.com>; Gail Andler <JudgeAndler@iCloud.com>; Daniel B. Garrie <Daniel@lawandforensics.com>; Lesley Weaver <lweaver@bfalaw.com>; Derek Loeser <dloeser@KellerRohrback.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Benjamin Gould <bgould@KellerRohrback.com>; Cari Laufenberg <claufenberg@KellerRohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; David Ko <dko@KellerRohrback.com>; Anne Davis <adavis@bfalaw.com>; Matthew Montgomery <mmontgomery@bfalaw.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Josh Samra <jsamra@bfalaw.com>

Cc: Matthew Levington <mlevington@jamsadr.com>; Snyder, Orin <OSnyder@gibsondunn.com>
Subject: RE: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

[External Email]
Counsel,

In the spirit of concluding our search term negotiations, please find a spreadsheet identifying the search strings and custodians for custodians in groups 5-8, including the 49 that are still in dispute. See ECF No. 654 ¶ 2.

Plaintiffs' concern is that recent hit count information appears inaccurate. On April 14, Facebook reported hit count information that did not include numerous strings and custodians Plaintiffs had accepted. On April 19, Facebook acknowledged this error, which changed the number of document hits with family by approximately 174,000 documents. Moreover, Facebook's April 19 hit count information appears to be inaccurate for another reason. Facebook's April 29 proposal, attached as Exhibit G to Facebook's mediation statement, did not include strings FB-69 and PL-5 (which are in dispute) and included strings PL-25 and PL-29 (which are not in dispute).

To cut through these issues and ensure there are no remaining inaccuracies with Facebook's reported hit count information, Plaintiffs have proposed that Facebook provide two comprehensive search term reports. We understand that these reports should each take about an hour for Facebook's vendor to prepare. Plaintiffs acknowledge that the reports are not technically required by the stipulation, but it should go without saying that the stipulation requires accurate hit count information, and these requests seek to clarify what is truly at issue. The requests are:

1. An STR (including strings / terms run, hits, hits with family, and unique hits) run across the universe of documents that hit on Plaintiffs' April 9 proposed search strings and custodians.
2. An STR that identifies the hits resulting from Facebook's and Plaintiffs' disputed strings, exclusive of the set already identified by agreed upon terms.

The first STR will enable Plaintiffs to verify that Facebook's reported number of document hits with family is accurate, which would provide us assurance that the parties have a shared understanding of the terms, custodians, and hit counts for Plaintiffs' April 9 proposal. The second STR will enable Plaintiffs to refine and narrow our second revised proposal, because it would be limited to the documents identified by the disputed strings alone and would not include documents identified by strings not in dispute.

Our goal in seeking this information is to resolve this dispute and move forward, and we hope to receive a response that enables the parties to do so. Please let us know if further conversation would be helpful.

Sincerely,

Chris Springer
Keller Rohrbach L.L.P.
Phone: (805) 456-1496
Fax: (805) 456-1497
Email: csp@kellerrohrbach.com

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From: Gail Andler <JudgeAndler@iCloud.com>

Sent: Friday, May 7, 2021 11:57 AM

To: Daniel B. Garrie <Daniel@lawandforensics.com>; Lesley Weaver <lweaver@bfalaw.com>; Derek Loeser <dloeser@kellerrohrbach.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Matthew Melamed <mmelamed@bfalaw.com>; Benjamin Gould <bgould@KellerRohrbach.com>; Cari Laufenberg <claufenberg@kellerrohrbach.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; David Ko <dko@kellerrohrbach.com>; Anne Davis <adavis@bfalaw.com>; Matthew Montgomery <mmontgomery@bfalaw.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Josh Samra <jsamra@bfalaw.com>

Cc: Matthew Levington <mlevington@jamsadr.com>; Snyder, Orin <OSnyder@gibsondunn.com>

Subject: Confidential Mediation Communication In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Counsel,

Thank you for your participation in our mediation session today. I am writing this quick note before I go into my next mediation in order to share my continuing optimism with you based on the progress we made today. I am inviting, by copy of this email, additional comments and suggestions by Mr. Garrie, but here is a high-level summary of what was accomplished:

- Regarding the TAR protocol, by Monday May 10 plaintiffs will provide Facebook with its “bullets” for those elements it wants included in the protocol. In the interim, counsel for defendant should consider sharing the “skeleton” of a generic TAR protocol, not specific to this case, based on what counsel or client have seen work in the past.
- Regarding the TAR protocol, Facebook will provide its response to the bullets and any counterproposals as part of its written submission for our next mediation session on May 13. It is understood this response will be a draft as it may not be possible to have it fully reviewed by the client by that time. The goal on the mediators is that the TAR protocol will be finalized on May 17 so that you can share the good news with Judge Corley on May 18.
- Regarding the Search String dispute, plaintiffs will advise Facebook what it believes was missed, and after the parties have had a chance to review and respond, the mediators encourage both sides to take the next step and find a compromise between the positions taken as to whether additional hit reports should be furnished.
- Regarding ADI, plaintiffs have narrowed the categories of initial information it is seeking and

will send that list today.

Our next mediation session is May 13, 2021 at noon. Please provide the mediators a brief written update the end of day on May 12 confirming that these tasks have been completed.

Thank you! Please copy any members of your team inadvertently left off of the email as not having been part of the prior email thread.

Best,

Judge Gail Andler (ret.)

From: Gail Andler <judgeandler@icloud.com>

Date: Tuesday, May 4, 2021 at 6:49 PM

To: "Snyder, Orin" <OSnyder@gibsondunn.com>, Daniel Garrie <Daniel@lawandforensics.com>, Lesley Weaver <lweaver@bfalaw.com>, Derek Loeser <dloeser@kellerrohrback.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Matthew Melamed <mmelamed@bfalaw.com>, Benjamin Gould <bgould@kellerrohrback.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, David Ko <dko@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, Matthew Montgomery <mmontgomery@bfalaw.com>

Cc: "Falconer, Russ" <RFalconer@gibsondunn.com>, Matthew Levington <mlevington@jamsadr.com>

Subject: Re: May 7 submissions? n re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Hi everyone, are we getting supplemental submissions from you before our next meeting on May 7? I know you are busy but wanted to be sure we are prepared for our time together later this week. I am asking Daniel Garrie, by copy of this email, to remind you of any of your "homework" assignments as requested by him.

Thank you!

Best,

Judge Gail Andler (ret.)

From: Daniel Garrie <Daniel@lawandforensics.com>

Date: Friday, April 30, 2021 at 6:52 PM

To: "Snyder, Orin" <OSnyder@gibsondunn.com>, Lesley Weaver <lweaver@bfalaw.com>, Derek Loeser <dloeser@kellerrohrback.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, Matthew Melamed <mmelamed@bfalaw.com>, Benjamin Gould <bgould@kellerrohrback.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, David Ko <dko@kellerrohrback.com>, Anne Davis <adavis@bfalaw.com>, Matthew Montgomery <mmontgomery@bfalaw.com>, Gail Andler <judgeandler@icloud.com>

Cc: "Falconer, Russ" <RFalconer@gibsondunn.com>, Matthew Levington <mlevington@jamsadr.com>

Subject: Re: NEXT DATES In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Counsel,

Thanks for the opportunity. I am equally optimistic.

Counsel Snyder,
Please let us know if these dates and times work. And, Ed sends his regards.

Best,
Daniel

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From: Gail Andler <JudgeAndler@iCloud.com>

Sent: Friday, April 30, 2021 7:34:21 PM

To: Snyder, Orin <OSnyder@gibsondunn.com>; Lesley Weaver <lweaver@bfalaw.com>; Derek Loeser <dloeser@kellerrohrback.com>; Stein, Deborah L. <DStein@gibsondunn.com>; Matthew Melamed <mmelamed@bfalaw.com>; Benjamin Gould <bgould@kellerrohrback.com>; Cari Laufenberg <claufenberg@kellerrohrback.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; David Ko <dko@kellerrohrback.com>; Anne Davis <adavis@bfalaw.com>; Matthew Montgomery <mmontgomery@bfalaw.com>

Cc: Daniel B. Garrie <Daniel@lawandforensics.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Matthew Levington <mlevington@jamsadr.com>

Subject: NEXT DATES In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Counsel,

Thank you for your advocacy today. While I remain optimistic that you will be able to put a smile on Judge Corley's face again with a joint submission reflecting agreements made at mediation, we still have considerable work to do.

The following schedule reflects dates confirmed as available for plaintiffs' counsel, Ms. Stein, and Ms. KutscherClark, as well as Mr. Garrie and me:

May 7 8:30-9:30 PDT

May 13 1:00-2:00 PDT

May 17 noon-1:00 (and longer as counsel are available to continue to meet with Mr. Garrie)

By copy of this email I am asking my case manager, **Matt Levington**, to calendar and send the link.

I will ask Mr. Garrie to add any comments to this thread regarding the next steps and agenda.

Have a great weekend!

Sincerely and optimistically yours,

Gail Andler

<image001.jpg>

Hon. Gail Andler (Ret.)

Arbitrator/Mediator/Special Master

5 Park Plaza Suite 400

Irvine, California 92614

gandler@jamsadr.com

Tel 714-937-8251

From: "Snyder, Orin" <OSnyder@gibsondunn.com>

Date: Friday, April 30, 2021 at 10:01 AM

To: Gail Andler <judgeandler@icloud.com>

Cc: Matthew Melamed <mmelamed@bfalaw.com>, Daniel Garrie <daniel@lawandforensics.com>, "Stein, Deborah L." <DStein@gibsondunn.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, Cari Laufenberg <claufenberg@kellerrohrback.com>, David Ko <dko@kellerrohrback.com>, Benjamin Gould <bgould@kellerrohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, Anne Davis <adavis@bfalaw.com>, Matthew Montgomery <mmontgomery@bfalaw.com>

Subject: Re: In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Judge Andler and Mr. Garrie,

This is a reminder that I will not be attending today's session. My team is obviously ready and ably prepared to proceed without me, and I will be in touch with them over text in the unlikely event that they do.

Looking forward to seeing you at our next session.

Respectfully,

Orin Snyder

Sent from my iPhone

On Apr 26, 2021, at 1:59 PM, Gail Andler <JudgeAndler@icloud.com> wrote:

[External Email]

Thank you very much. I look forward to seeing everyone tomorrow.

Best,
Judge Gail Andler (Ret.)

<image001.jpg>

Hon. Gail Andler (Ret.)

Arbitrator/Mediator/Special Master
5 Park Plaza Suite 400
Irvine, California 92614
gandler@jamsadr.com
Tel 714-937-8251

From: Matthew Melamed <mmelamed@bfalaw.com>

Date: Monday, April 26, 2021 at 10:26 AM

To: Gail Andler <judgeandler@icloud.com>, Daniel Garrie <daniel@lawandforensics.com>

Cc: "Snyder, Orin" <OSnyder@gibsondunn.com>, "Stein, Deborah L."

<DStein@gibsondunn.com>, "Falconer, Russ" <RFalconer@gibsondunn.com>, "Kutscher Clark, Martie" <MKutscherClark@gibsondunn.com>, Derek Loeser <dloeser@kellerrohrback.com>, Cari Laufenberg <clausenberg@kellerrohrback.com>, David Ko <dko@kellerrohrback.com>, Benjamin Gould <bgould@KellerRohrback.com>, Lesley Weaver <lweaver@bfalaw.com>, Anne Davis <adavis@bfalaw.com>, Matthew Montgomery <mmontgomery@bfalaw.com>

Subject: In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

Dear Judge Andler and Mr. Garrie,

The parties conferred and agreed that Mr. Garrie's presence at the parties' discovery conferences would benefit the mediation. As such, we reached out to Judge Corley, who also welcomes his attendance. The information for tomorrow's discovery conference is as follows:

April 27, 8:30 a.m.

Zoom link:

<https://cand-uscourts.zoomgov.com/j/1613661817?pwd=Z0tnSzBvKzJMN25SRFB3M1B6dFBadz09>

Webinar ID: 161 366 1817

Password: 924619

We will provide both of your names to the Court so that you are able to join the proceeding as participants.

Thanks,
Matt

Matthew S. Melamed
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